THE HON'BLE SRI JUSTICE RAMESH

RANGANATHAN

W.P.No. 28700 OF 1996

DATE: 24-1-2007

Between:

G.Yadagiri .... Petitioner

And

1. The Presiding Officer,
Labour Court I, Hyderabad and another ... Respondents

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O R D E R:

The petitioner, a Conductor in APSRTC questions the award of the Labour Court, in I.D.No. 59 of 1995 dated 23.12.1995 in so far as the Labour Court had directed that he be appointed afresh a conductor without continuity of service and without attendant benefits.

The petitioner was issued charge memo dated 7.5.1994 whereunder there charges were framed. The first charge was for violation of the rule to complete the ticket issues within one fare stage, the second for having collected Rs.50/- from a batch of five passengers at their boarding place at stage No.1 and to have handed over lower denomination tickets to them at Stage No.10 and the third charge is for having failed to collect the fare and issue tickets to two passengers traveling without tickets. An enquiry was conducted and the petitioner's services were terminated. The appeal preferred by him was dismissed. Aggrieved thereby the petitioner approached the Labour Court. The labour Court held all the three charges to have been established. Howeveer, on the quantum of punishment, the labour Court held that the punishment was grossly disproportionate to the gravity of misconduct and did not warrant the punishment of removal from service. The Labour Court noted that earlier the petitioner was imposed punishment of stoppage of increments on five occasions and was suspended twice, despite which it held that the

order of removal from service was not justified. The Labour Court directed that the order of termination be set aside and that the petitioner be appointed afresh as a Conductor without continuity of service, without back wages and without other attendant benefits.

It is well settled that the Labour Court, under Section 11-A of the Industrial Dispute Act, has been conferred the power to examine the quantum of punishment imposed by the employer and to modify the punishment if it finds the punishment to be grossly disproportionate. The charges held established against the petitioner are grave and serious in nature. The Labour Court has shown undue indulgence in the petitioner's favour in setting aside the order of termination and in directing that he be appointed afresh as a Conductor without continuity of service, without back wages and without other attendant benefits. The award of the Labour Court does not necessitate interference at the instance of the petitioner-workman.

Te writ petition fails and is accordingly dismissed. No order as to costs.

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24-1-2007

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